



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Helmut D. LINK

Serial No.: 10/687,933

Filing Date: October 20, 2003

For: CERVICAL INTERVERTEBRAL  
PROSTHESIS SYSTEM (as amended)

Examiner: Not Yet Assigned

Group Art Unit: 1632

**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97 & 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 CFR 1.97 and 1.98, Applicant submits for consideration in this application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the Form PTO-1449 were cited in a European Search Report mailed on May 17, 2004 (copy attached) directed to a counterpart foreign application.

This Information Disclosure Statement is being submitted before the mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.

Applicant would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 CFR 1.97 and 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the

information, protocols, results and the like reported by third parties are accurate or enabling; or  
(iv) the above information constitutes prior art to the subject invention.

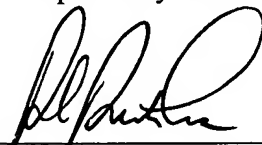
In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to

**Deposit Account No. 03-1952**, referencing 246472006000.

Dated: August 12, 2004

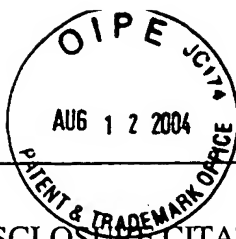
Respectfully submitted,

By: \_\_\_\_\_



Barry E. Bretschneider  
Registration No. 28,055

Morrison & Foerster LLP  
1650 Tysons Boulevard  
Suite 300  
McLean, Virginia 22102  
Telephone: (703) 760-7743  
Facsimile: (703) 760-7777



<b>Form PTO-1449</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>	Docket Number 246472006000	Application Number 10/687,933
	Applicant <b>Helmut D. Link</b>	
	Filing Date October 20, 2003	Group Art Unit 1632
	Mailing Date July 12, 2004	

**U.S. PATENT DOCUMENTS**

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	4/20/99	5,895,428	Berry			11/1/96
	2.	3/28/95	5,401,269	Büttner-Janz et al.			3/10/93

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO	
	3.	3/13/98	EP 0 955 021 A1	Europe				X
	4.	8/26/98	WO 99/11203	PCT			abstract	

**OTHER DOCUMENTS***(including author, title, Date, Pertinent Pages, Etc.)*

Examiner Initials	Ref. No.	Title
	5.	European Search Report dated May 17, 2004

**EXAMINER:****DATE CONSIDERED:**

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.